

OCT - 4 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Plaintiff Romeo Nacar

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

ROMEO P. NACAR,

Plaintiff,

vs.

JOSE C. AYUYU, MARCIA AYUYU, M&N
COMPANY, J.C.A. INC., a CNMI corporation and
MCDONALD'S RESTAURANTS OF SAIPAN,
INC., a CNMI corporation,

Defendants.

CASE NO. CV 05-0005

STIPULATION TO EXTENSION OF TIME
TO AMEND COMPLAINT AND TO
LEAVE TO AMEND COMPLAINT;
~~proposed~~ ORDER GRANTING LEAVE
TO AMEND

Plaintiff intends to seek leave of court to file a Second Amended Complaint in the above-captioned matter to add an additional party defendant as a joint employer of Plaintiff. The existence of the party was only made known to Plaintiff through discovery received recently from one of the existing Defendants. Further, although the deadline to amend expired last Friday, September 30, 2005 (one business day ago), in order to facilitate discovery response extensions and to facilitate continued discussions regarding the inclusion/exclusion of particular defendants, the parties agreed prior to that date that the parties would jointly request that the Court extend the deadline for amending pleadings.

Pursuant to Fed. R. Civ. P. 15(a), at this stage of the litigation, leave of Court or written consent of the adverse party is required to file an amended complaint, "and leave shall be freely given when justice so requires." Accordingly, the parties, by and through their attorneys, hereby stipulate to an amendment pursuant to Rule 15(a) and to an extension of time to file such amendment, and


1 respectfully request an order from this Court granting leave to amend the complaint in this matter
2 with such amendment to be filed on or before October 14, 2005.

3
4 SO STIPULATED.

5
6 Date: October 3, 2005

7 
MARK B. HANSON
Attorney for Plaintiff

8
9 Date: 10-3-05

10 
F. MATTHEW SMITH
Attorney for Defendants
Jose & Marcia Ayuyu, M&N Company
and JCA Inc.

11
12
13 Date: 10/4/05

14 
BRUCE L. MAILMAN
Attorney for Defendant
McDonalds Restaurants of Saipan, Inc.

ORDER

Pursuant to the above-stipulation by the parties, and for good cause shown, the Court hereby grants Plaintiff leave to file a second amended complaint. Plaintiff shall file such amended complaint, if at all, on or before October 14, 2005.

SO ORDERED.

DATE: 10-4-05


ALEX R. MUNSON
Chief Judge

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Clerk
District Court
For The Northern Mariana Islands